

system of transmission of electrical energy, or of apparatus employed or constructed or arranged for the alleged method or system of transmission of electrical energy, referred to in said bill of complaint, or described or claimed in the Letters Patent Nos. 645,576 or 649,621, annexed to said bill of complaint; and upon information and belief it denies that said system, method or apparatus was not known or used by others in this country, or was not patented or described in any printed publication in this or any foreign country before the alleged invention or discovery thereof by said Nikola Tesla; and upon information and belief it denies that said system, method or apparatus was not in public use or on sale for more than two years prior to said Nikola Tesla's alleged applications for Letters Patent therefor.

4. Upon information and belief, it denies that said Nikola Tesla, being the inventor of said system, apparatus or improvement, as alleged in the bill of complaint, made application for Letters Patent to the Commissioner of Patents, in accordance with the existing laws of the United States, or complied in all respects with the conditions and requirements of said laws.

5. Upon information and belief, it admits that Letters Patent No. 645,576 and No. 649,621 were issued on March 20, 1900 and May 15, 1900, respectively, to Nikola Tesla; but, upon information and belief, it denies that either of said Letters Patent were duly or lawfully issued, or that they duly or lawfully secured to said Nikola Tesla, or his heirs or assigns, the full or exclu-

sive right of making, using or vending the alleged inventions thereof throughout the United States or the territories thereof, or for the term of seventeen years from the respective dates of said Letters Patent. said Letters Patent, or

6. It is without knowledge as to whether the said Nikola Tesla, at any time, or in any manner, transferred or set over to the plaintiff all or any right, title or interest in or to either of said Letters Patent, or the alleged inventions thereof, or that the plaintiff became or now is the sole or exclusive owner of either of said Letters Patent, or of the alleged inventions or improvements described or claimed therein, or to any of the rights alleged to be secured thereby; and upon information and belief it denies that the plaintiff is entitled to be protected in the enjoyment of any of said alleged rights.

7. It denies that it has, at any time or place, or in any manner, or in violation of any rights of the plaintiff, infringed upon either of said Letters Patent, or is now infringing upon either of said Letters Patent; and it denies that it has, at any time or place, or in any manner, or in violation of any rights of the plaintiff, constructed or caused to be constructed, used or caused to be used, or sold or caused to be sold, or is now constructing or causing to be constructed, or using or causing to be used, or selling or causing to be sold, any of the alleged inventions, or improvements of either of said Letters Patent, or intends so to do, and denies that any of its acts and doings are contrary to equity or good conscience, or tend to injure the plaintiff.

large and profitable business thereunder, without any knowledge that the plaintiff, or said Nikola Tesla, claimed or

8. It denies that it has derived or received any intended to claim that said use infringed upon either of the income or profits from any alleged violation of the plaintiff's alleged rights in either of said Letters Patent, or Patent was worthless, and that the alleged rights now claimed caused any loss, injury or damage to the plaintiff, or that ed thereunder had been abandoned by the plaintiff and said the plaintiff is entitled to any account from, or injunction against, this defendant, as prayed for in the said bill of complaint.

9. It alleges that the system, method and apparatus against the defendant or its licensees, and has, in fact, used by the defendant, and which is alleged herein to be an abandoned both of said Letters Patent and is not entitled infringement of each of said Letters Patent, Nos. 649,621 to any equitable relief herein.

and 645,576, is and has been used by the defendant under 10. It alleges that the pretended inventions or discoveries of each of said Letters Patent, Nos. 649,621 and or under which it is and has been licensed; that said system, 645,576 are not useful and have never been put into actual method and apparatus has been in open, public and continuous use by the defendant and its licensees ever since the year 1901, without any right or license from the plaintiff

11. Upon information and belief, it alleges that for or said Nikola Tesla, and that such use has been well known the purpose of deceiving the public, the description and to the plaintiff and said Nikola Tesla since that year, but specification filed in the Patent Office by Nikola Tesla, neither the plaintiff nor said Nikola Tesla has ever molested the defendant or its licensees in said use, or asserted 649,621, were made to contain less than the whole truth any of the alleged rights now claimed herein in either of said Letters Patent Nos. 645,576 and 649,621, as against said use of said Letters Patent.

by the defendant or its licensees, or brought any suit

12. Upon information and belief, it alleges that the pretended inventions or discoveries of each of said Letters Patent of said alleged rights; that the defendant began and continued the said use in good faith, and it and its licensees entered or described prior to the supposed inventions or discoveries have invested vast sums of money therein, and built up a

large and profitable business thereunder, without any knowledge that the plaintiff, or said Nikola Tesla, claimed or intended to claim that said use infringed upon either of the patents in suit, and in the belief that each of said Letters Patent was worthless, and that the alleged rights now claimed thereunder had been abandoned by the plaintiff and said Nikola Tesla, wherefore the plaintiff and said Nikola Tesla have been guilty of laches and are estopped from asserting any alleged rights in either of said Letters Patent as against the defendant or its licensees, and has, in fact, abandoned both of said Letters Patent and is not entitled to any equitable relief herein.

10. It alleges that the pretended inventions or discoveries of each of said Letters Patent, Nos. 649,621 and 645,576 are not useful and have never been put into actual and practical use, and are inoperative, impracticable and worthless.

11. Upon information and belief, it alleges that for the purpose of deceiving the public, the description and specification filed in the Patent Office by Nikola Tesla, the patentee of said Letters Patent Nos. 645,576 and 649,621, were made to contain less than the whole truth relative to the respective alleged inventions or discoveries of said Letters Patent.

12. Upon information and belief, it alleges that the pretended inventions or discoveries of each of said Letters Patent Nos. 645,576 and 649,621, if they are patentable, had been patented or described prior to the supposed inventions or discoveries.

coveries there-

/of by said Nikola Tesla in the following Letters Patent and publications, and in other patents and publications which are now unknown to the defendant, but which when known the defendant asks leave to insert herein by amendment.

UNITED STATES LETTERS PATENT.

Smith	No. 247,127,	Sept. 13, 1881
Dolbear	" 350,299,	Oct. 5, 1886
Thomson	" 361,168,	
Tesla	" 454,622,	June 23, 1891
Tesla	" 462,418,	Nov. 3, 1891
Edison	" 465,971,	Dec. 29, 1891
Thomson	" 500,630,	July 4, 1893
Tesla	" 568,176	Sept. 22, 1896
Tesla	" 568,177	Sept. 22, 1896
Tesla	" 568,178	Sept. 22, 1896
Tesla	" 568,179	Sept. 22, 1896
Marconi	" 586,193	July 13, 1897

BRITISH LETTERS PATENT.

Tesla	No. 8,575,	of 1891
Lodge	" 11,575,	" 1897
Marconi	" 12,039,	" 1896

PUBLICATIONS.

Crookes, Fortnightly Review, Feb. 28, 1892, pages 173-181, Vol. 51, N.S. No. 302, N.S. Leonard Scott Publication Company, 231 Broadway, New York.

Journal Franklin Institute, February, 1893.

Proceedings National Electric Light Association, March, 1893, Light and Other High Frequency Phenomena, pages 191-302.

New York Herald, April 23, 1893.

Scientific American Supplement, May 20, 1893, pp. 14,492-3; Article entitled Nikola Tesla and his discoveries.

Hertz Electrical Waves, Translated by D. E. Jones,
MacMillan & Co., London, Eng., 1893.

Journal of the Society of Arts, London, Feb. 23, 1894,
Article by Preece.

Proceedings Royal Institute of Great Britain,
June 1, 1894, Lecture by Lodge.

Century Magazine, April, 1895, Article entitled
Tesla's Oscillator, etc., pp. 916-933.

Popoff, Journal Russian Physics - Chemical Society.
Vol. 28, 1896, Division of Physics, "Apparatus for
the Detection and Registration of Electric Vibrations".

Elec. World, N. Y., Vol. 32, Nov. 5, 1898, page 466.

Book entitled "Inventions, Researches and Writings of
Nikola Tesla", by Martin, New York, 1904.

13. Upon information and belief, it alleges that
the said Nikola Tesla was not the original or first invent-
or of any material or substantial part of the alleged
inventions or discoveries of either of said Letters Patent
Nos. 645,576 and 649,621, but that all material and sub-
stantial parts of each of said Letters Patent, if they
involve any patentable invention or discovery, had been,
prior to the supposed invention or discovery thereof by
said Nikola Tesla, invented or discovered by, and known
to the following named persons, whose last known residence
is set opposite their names, respectively, and by others
whose names and residences are at present unknown to
the defendant, but which when known the defendant asks leave
to insert herein by amendment, viz.:

G. Marconi, of London, England;

Thomas A. Edison, of Menlo Park, N. J.;

Elihu Thomson, of Swampscott, Mass.;

E. Dolbear, of Somerville, Mass.; and

William W. Smith, of Indianapolis, Indiana.

14. Upon information and belief, it alleges that the pretended inventions or discoveries of each of said Letters Patent, Nos. 645,576 and 649,621, prior to the supposed invention or discovery thereof by the said Nikola Tesla, for more than two years before his alleged application for said Letters Patent, if they are capable of any use, had been in public use in this country by the following named persons and corporations, at the places set opposite their names, respectively, and whose last known place of residence is set opposite their respective names, and by others who are now unknown to the defendant, but which when known the defendant asks leave to insert herein by amendment, viz.:

G. Marconi, of London, England, at New York City, and elsewhere within the United States;

Thomas A. Edison, of Menlo Park, N. J., at Menlo Park, N. J., and elsewhere within the United States;

Elihu Thomson, of Swampscott, Mass., at Swampscott, Mass., and elsewhere within the United States;

E. Dolbear, of Somerville, Mass., at Somerville, Mass., and elsewhere within the United States;

William W. Smith, of Indianapolis, Ind., at Indianapolis, Ind., and elsewhere within the United States;

Ezra T. Gilliland, of and at Indianapolis, Ind.;
Dolbear Electric Telephone Company, of and at the
State of New Jersey;

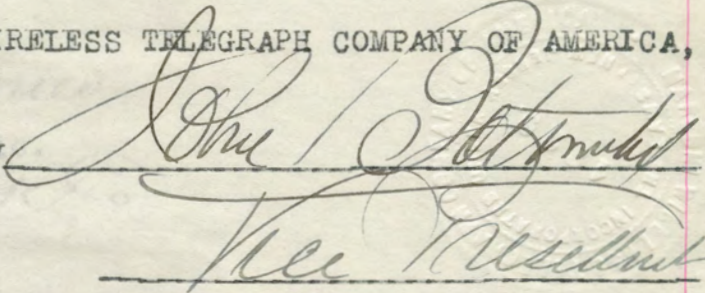
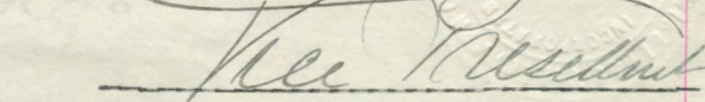
Thompson-Houston Electric Co., of and at Lynn,
Mass., and elsewhere within the United States;

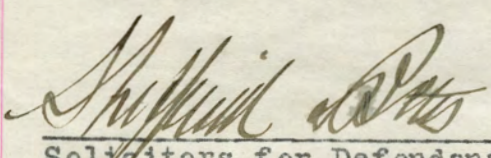
General Electric Co., of and at Schenectady, N.Y.,
and elsewhere within the United States.

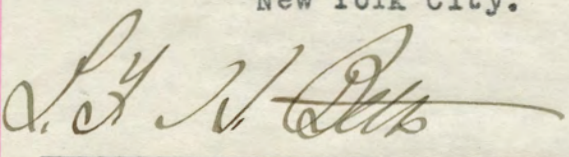
15. Upon information and belief, it alleges that in
view of the state of the prior art set up herein, and in
other prior patents and publications, the alleged system,
method or apparatus described and claimed in each of said
Letters Patent, Nos. 645,576 and 649,621, involves no patent-
able invention or discovery.

Wherefore, this Defendant humbly prays that said
bill and this suit be dismissed with costs and disbursements
to the Defendant.

MARCONI WIRELESS TELEGRAPH COMPANY OF AMERICA,

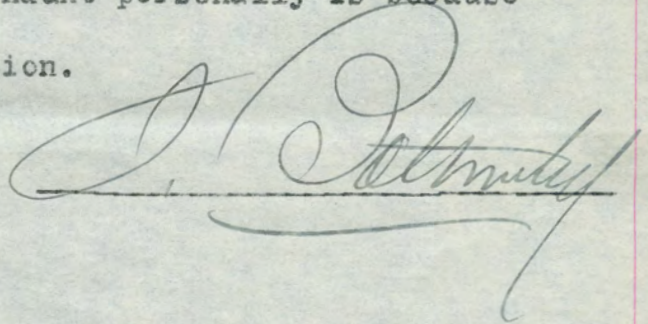
By 



Solicitors for Defendant,
52 William Street,
Borough of Manhattan,
New York City.


Of Counsel for Defendant.

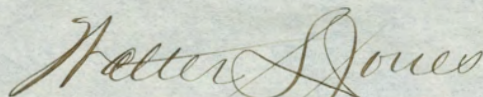
STATE OF NEW YORK)
: ss.
COUNTY OF NEW YORK)

JOHN BOTTOMLEY, being duly sworn, deposes
and says that he is ^{one of} the *Vice Presidents* of the
Marconi Wireless Telegraph Company of America, Defendant
herein; that he has read the foregoing answer and knows the
contents thereof, and that the same is true of his own know-
ledge and belief, except as to matters therein stated to be
alleged on information and belief, and as to those matters
he believes it to be true; that the reason why this verifica-
tion is not made by the Defendant personally is because
said Defendant is a corporation.



Sworn to before me this

24th day of May, 1915.



Notary Public.

New York Co.

E 12-241

UNITED STATES DISTRICT COURT,
Southern District of New York.
In Equity 12/241.

NIKOLA TESLA COMPANY,
Plaintiff,

vs.

MARCONI WIRELESS TELEGRAPH
COMPANY OF AMERICA,
Defendant.

A N S W E R.

*N.
10d*
SHEFFIELD & BETTS,
Defendant's Solicitors.

No. 52 WILLIAM STREET,
Borough of Manhattan,
New York City.

